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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WARREN LICHTENSTEIN,

Plaintiff,

v.

ANDREW CADER,

Defendant.

Index No.: 13 cv 2690 (LAK)

MEMORANDUM OF LAW

On August 13, 2013, defendant Andrew Cader filed a motion to dismiss plaintiff's Amended Complaint. Mr. Cader's motion is based largely on a recent judgment from the Hong Kong High Court (the "Hong Kong Judgment"). The Hong Kong Judgment is referenced frequently in Mr. Cader's memorandum of law, and is attached to the supporting Declaration of Seth J. Lapidow, Esq.

At a hearing before this Court on July 17, 2013, plaintiff's counsel represented that the Hong Kong Judgment was "not public" and "completely privileged." (*See* Transcript of July 17, 2013 Hearing at 3-4, relevant pages of which are attached to the Declaration of Seth J. Lapidow, Esq., dated August 15, 2013, as Exhibit A). Thus, the Court stated that the Hong Kong Judgment would remain under seal if filed with the Court. (*Id.* at 17-18 ("Whether it needs to be submitted pursuant to a protective order and maintained under seal, if that's necessary, obviously I'll sign such order that the parties can submit or you can stipulate to it or whatever.")).

Accordingly, Mr. Cader respectfully requests that the following documents, which were filed in support of his motion to dismiss, remain under seal: (i) Notice of Motion; (ii) Memorandum of Law; and (iii) Declaration of Seth J. Lapidow, Esq., with Exhibits.

s/ Seth J. Lapidow
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Dated: August 15, 2013